



INDUSTRY CIRCULAR

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms
Washington, D. C. 20226

Number: 86-11 Date: June 30, 1986

POLYPROPYLENE LIQUOR BOTTLES

Proprietors of Distilled Spirits Plants, Importers, and
Others Concerned:

PURPOSE. The purpose of this circular is to inform you of a forthcoming ATF Ruling concerning the approval of polypropylene containers to be used for packaging distilled spirits products. The ATF Ruling will read as follows:

The Bureau of Alcohol, Tobacco and Firearms has received inquiries regarding the suitability of containers made of polypropylene material as liquor bottles.

Section 5301(a) of Title 26, United States Code, authorizes the Secretary of the Treasury to regulate the kind of containers designed or intended for use in the sale of distilled spirits. Sections 19.11, 194.11, 250.11, and 251.11 of Title 27, Code of Federal Regulations, state the definition of a liquor bottle as:

"A bottle made of glass or earthenware, or of other suitable material approved by the Food and Drug Administration, which has been designed or is intended for use as a container for distilled spirits for sale for beverage purposes and which has been determined by the Director to adequately protect the revenue."

The container in question consists of three component materials, and is designed in such a manner that the only component that comes in contact with distilled spirits is an outer lining made of polypropylene. Hydrogen peroxide may be used to sterilize the lining. Food and Drug Administration regulations provide for the use of polypropylene as a component of articles intended for use in contact with food, including alcoholic beverages, in 21 C.F.R. § 177.1520. Hydrogen peroxide is approved as a sterilizing agent for polypropylene food contact surfaces, including those for alcoholic beverages, under 21 C.F.R. § 178.1005. The other two components, a core made of ethylene-vinyl acetate-vinyl alcohol (EVAL) encased entirely within a layer of polypropylene-maleic anhydride adduct are authorized for use in food containers by 21 C.F.R. §§ 77.1360(a) and 175.300(b), respectively. Neither material comes into contact with alcoholic beverages within the container.

Test results indicate that a slight proof loss within the tolerances provided by 27 C.F.R. § 5.37 may occur. Such a proof loss has no negative impact on the revenue. Therefore, it is determined that the use of these polypropylene-lined containers as liquor bottles affords adequate protection to the excise tax revenue.

Since the containers made of polypropylene are not considered standard liquor bottles, the Bureau is requiring that anyone using the containers apply for approval of the containers as distinctive liquor bottles under 27 C.F.R. Part 19. The containers will also be required to be manufactured in approved standards of fill.

Held, containers made of polypropylene and other materials may be used as containers for distilled spirits provided:

- (1) The polypropylene containers are in compliance with Food and Drug Administration regulations;
- (2) Approval has been received for the containers as a distinctive liquor bottle; and
- (3) The containers are manufactured in an approved standard of fill.

INQUIRIES. Inquiries concerning this circular should refer to its number and be addressed to the Associate Director, Compliance Operations, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226. Attention: Distilled Spirits and Tobacco Branch.

Stephen E. Higgins
Director

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